

1927

c 81 Niagara Parks Act

Ontario

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SECTION VI.

PUBLIC PARKS.

CHAPTER 81.

The Niagara Parks Act.

Interpre-
tation.

"Com-
mission."

"Parks."

1. In this Act,—

(a) "Commission" shall mean Niagara Parks Commission;

(b) "Parks" shall mean and include Queen Victoria Niagara Falls Park as heretofore established, Butler's Burying Ground and Queenston Heights Park and all other lands and lands covered with water, including roads and boulevards vested in or placed under the control of the Commission. 1927, c. 24, s. 2.

PART I.

NIAGARA PARKS COMMISSION.

Niagara
Parks Com-
mission.

2.—(1) The body corporate heretofore constituted by the name of "The Commissioners for the Queen Victoria Niagara Falls Park" is continued and shall hereafter be known as "The Niagara Parks Commission" hereinafter called the "Commission."

Term of
office.

(2) The members of the Commission shall be not less than five in number, to be appointed by the Lieutenant-Governor in Council and shall be styled "commissioners" and hold office *during pleasure*.

Remunera-
tion.

(3) The commissioners shall receive their actual disbursements but no other compensation. 1927, c. 24, s. 3.

Rights and
powers of
Commission.

3. All real and personal property and all rights, powers and privileges heretofore vested in and exerciseable by the Commissioners for the Queen Victoria Niagara Falls Park are hereby vested in and shall be exerciseable by the Niagara Parks Commission. 1927, c. 24, s. 4.

4.—(1) The Commission with the consent of the Lieutenant-Governor in Council may enter upon, take, use and acquire such lands, including a right or interest in, and an easement over land, and also including highways vested in the corporation of any municipality, tenements and rights as they may consider expedient.

Powers as to acquiring lands, highways, etc.

(2) The municipal council of any municipality may convey to the Commission for a real or nominal consideration, any highway, lands, tenements or rights vested in the municipality which the Lieutenant-Governor in Council authorizes the Commission to acquire, and this subsection shall be construed so as to include any lands (including highways vested in the corporation of any municipality), tenements or rights heretofore conveyed to the Commission, consented to, or which may hereafter be consented to, by the Lieutenant-Governor in Council.

Councils authorized to transfer highway to Commissioners.

(3) A highway opened or widened by the Commission shall not be used or occupied as a stand by vehicles kept for hire, or by booths or stands for the sale of newspapers or photographs, or for the carrying on of a refreshment business or the like.

Restriction on use of highways acquired etc., by the Commission.

(4) The corporation of any municipality may enter into an agreement with the Commission for the construction or the maintenance or repair by the Commission of any road within the limits of the municipality, or for the payment by the corporation of the municipality of any part of the cost of construction or of the maintenance or repair of any road constructed or acquired by the Commission within the limits of the municipality, and this subsection shall be read so as to include any agreement heretofore or hereafter made.

Agreement as to maintenance and repair of roads.

1927, c. 24, s. 5.

Procedure to acquire land, etc.

5. Notwithstanding anything contained in any general or special Act the Lieutenant-Governor in Council may by Order in Council vest any highway in any municipality in the Commission and thereafter the Commission shall have exclusive jurisdiction over the said highway. 1927, c. 24, s. 6.

Order in Council vesting highways in Commission.

6.—(1) Whenever the Commission is authorized by this Act or by the Lieutenant-Governor in Council to enter upon, take, use or acquire any lands, tenements or rights under the provisions of this Act, the Commission in respect thereof shall have the powers and shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario, and the provisions of that Act shall *mutatis mutandis* apply.

Rev. Stat. c. 52.

(2) The compulsory powers conferred by this Act shall extend to land, works, rights, powers, privileges and property notwithstanding that the same are or may be deemed to be devoted to the public use or that the owner thereof possesses the power to take lands compulsorily. 1927, c. 24, s. 7.

To what extended.

Commission
authorized
to issue
bonds,
debentures,
etc.

7.—(1) In addition to the powers conferred upon the Commission under any other provisions of this Act the Commission, with the approval of the Lieutenant-Governor in Council, may from time to time borrow money to meet any indebtedness of the Commission accruing due, or for the purchasing or otherwise acquiring real or personal property, or making improvements, or for any other purpose of the Commission and may issue bonds, debentures, notes or other securities to provide for the repayment of any moneys so borrowed and such securities may be payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such interest as the Commission may deem proper.

Guarantee-
ing bonds.

(2) The Lieutenant-Governor in Council may authorize the Treasurer of the Province of Ontario for and on behalf of Ontario to guarantee the payment of any securities issued by the Commission for the purposes aforesaid.

Form of
guaranty.

(3) The form of guaranty and the manner of its execution shall be determined by the Lieutenant-Governor in Council. 1927, c. 24, s. 8.

Powers
of Com-
mission.

8. Subject to any direction of the Lieutenant-Governor in Council, the Commission may,—

- (a) construct and operate inclined planes and hydraulic or other lifts, to be worked by any power, acquire and operate busses, coaches and other vehicles for the accommodation of the public, and build and operate boats or vessels to be used in connection with the Park;
- (b) pull down all houses and other erections and buildings on lands acquired and purchased by the authority of this Act, or such of them or such part thereof as it may deem proper to be pulled down, and level and clear the ground whereon the same stand, in such manner as it may deem proper, and sell the materials of the houses and other buildings to be taken down and removed; and the money to be produced by the sale thereof, after deducting expenses, and also the rents and profits to which they may be entitled meantime, shall be applied in carrying out the purposes of this Act;
- (c) lay out, plant and enclose the Parks in such manner as they think fit, and improve and develop the same in accordance with the objects of this Act;
- (d) take and collect tolls for the use of constructions, appliances, vessels, or works required to afford facilities to visitors to reach and view the points of interest within the Parks, and involving the

expenditure of money in construction and maintenance, as well as for services to be rendered for the convenience or accommodation of visitors;

- (e) make orders and regulations for opening and closing the gates and entrances of the Parks at such hours as they think fit, but so as not to interfere with or affect an agreement heretofore entered into between the Commission and the Canada Southern Railway Company. 1927, c. 24, s. 9.

9. All works or land whereon any expenditure is authorized in pursuance of this Act shall be deemed and are declared to be public works of Ontario notwithstanding that they are in the care or charge of the Commission. 1927, c. 24, s. 10.

Parks to be a public work.

10.—(1) The Commission may from time to time with the approval of the Lieutenant-Governor in Council make regulations,—

Regulations of Commission.

- (a) prescribing the tariff of tolls or payments for the use of works, vessels or services in the Parks;
- (b) governing the conduct of visitors in the Parks;
- (c) fixing the hours during which the Parks or any building or property in the Parks shall be open to the public;
- (d) providing for the use, government, control and management of the Parks and for the protection and preservation of all works in the same from injury and of the trees, shrubs, walks, seats, gates, fences and palings and all other parts thereof;
- (e) for the exclusion of improper persons from the Parks; and
- (f) for imposing penalties not exceeding \$100 for any breach of any such by-law or regulation.

(2) Any offence against any such by-law shall be punishable under *The Summary Convictions Act*, and the penalties recoverable under this section shall be payable to the Commission. 1927, c. 24, s. 11.

Offences punishable under Rev. Stat. c. 121.

11.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Commission, may make regulations prohibiting or regulating the erection of signs and signboards and the posting or painting of signs or notices and the exposing of any advertising device upon, or within one-quarter of a mile from any park, boulevard, road, roadway or other land vested in or controlled by the Commission,

Regulations as to signboards, etc.

Penalty. (2) Any person contravening any such regulations shall incur a penalty of not less than \$1 nor more than \$100, recoverable under *The Summary Convictions Act*, and every such penalty shall be paid over to the Commission. 1927, c. 24, s. 12.

Grounds open to public. **12.** The Parks shall be open to the public, subject to any rules and regulations as to management approved by the Lieutenant-Governor in Council. 1927, c. 24, s. 13.

Where highways vested in Commission. **13.**—(1) *The Public Vehicle Act* shall apply to the highway, roads, boulevards and public places vested in the Commission and over which the Commission has control except that as to such highways, roads, boulevards and public places the Commission shall be deemed to be substituted for the Department of Public Highways and for the Lieutenant-Governor in Council, and the licenses, fees and tolls collected by the Commission and the penalties imposed under the said Act or under any regulations made thereunder, shall be payable to the Commission and shall be accounted for and dealt with in the manner provided by section 21 and the following sections of this Act.

Regulations. (2) The regulations made by the Commission under the authority of subsection 1 shall be subject to the approval of the Lieutenant-Governor in Council. 1927, c. 24, s. 14.

Park officers. **14.**—(1) The Commission may appoint such officers as may be required for the superintendence and management of the Parks, and may also appoint keepers and other officers to preserve order in the Parks, and may dismiss any persons so appointed.

Appointment, etc. (2) Such appointments or dismissals shall be subject to the approval of the Lieutenant-Governor in Council.

Salaries. (3) The salaries of such officers shall be payable out of any funds in the hands of the Commission.

Gardeners and workmen. (4) The Commission may employ gardeners and workmen as they may deem necessary, and may dismiss or dispense with the services of such persons, subject to any directions of the Lieutenant-Governor in Council. 1927, c. 24, s. 15.

Books of account. **15.** The Commission shall cause books to be provided and true and regular accounts to be entered therein of all money received and paid, and of the several purposes for which the same was received and paid; and such books shall at all times be open to the inspection of any of the commissioners, and of the Treasurer of Ontario, and of any person appointed by the Commission or Treasurer for that purpose, and of any other person appointed by the Lieutenant-Governor; and any commissioner and any such person may take copies of, or extracts from such books. 1927, c. 24, s. 16.

16. Any person entrusted by the Commission with the custody or control of money, by virtue of his employment, shall give security in the manner and form provided by *The Public Officers Act*, 1927, c. 24, s. 17. Security by officers. Rev. Stat. c. 17.

17.—(1) The Commission shall make an annual report for the information of the Legislature, setting forth the receipts and expenditure of the year, and such other matters as may appear to them to be of public interest in relation to the Parks, or as the Lieutenant-Governor in Council may direct. Annual report and accounts.

(2) Sections 10, and 28 to 30 of *The Audit Act* shall apply to the accounts of the commissioners in respect of receipts and expenditures. 1927, c. 24, s. 18. Application of Rev. Stat. c. 25.

18.—(1) The Commission and the corporation of any municipality in which lands vested in the Commission are situate or which adjoins such lands may enter into an agreement,— Agreement between Commission and municipality for construction of works on roads, etc.

- (a) for the acquiring by such corporation of lands for the purpose of constructing, reconstructing, widening, altering or improving any highway in such municipality;
- (b) for the construction, reconstruction, widening, alteration or improvement of such highway and its maintenance and repair by the Commission;
- (c) for vesting in the Commission the ownership or control of such highway;
- (d) for the apportionment of the cost of any work done on such highway between the Commission and the corporation of such municipality;
- (e) for the payment by the corporation of such municipality of its share of the cost of such work either in one sum or by way of a fixed annual grant or by the issue of debentures of the municipality and the delivery of such debentures to the Commission;

Provided that the cost of acquiring such land, including any claims for compensation by the owners of lands affected by the work, shall be borne by the corporation of such municipality. Proviso.

(2) Every agreement heretofore entered into for any of the purposes mentioned in subsection 1 shall be and shall be deemed to have been legal, valid and binding upon the Commission and the corporation of any municipality entering into the same. Former agreements validated.

(3) It shall not be necessary that any such agreement shall be submitted to or receive the assent of the electors of the municipality. Assent of electors unnecessary.

Approval of
Lieutenant-
Governor in
Council.

(4) Every agreement between the Commission and the municipal corporation entered into under this section shall be subject to the approval of the Lieutenant-Governor in Council and every agreement so approved and all by-laws passed and all proceedings taken and all debentures issued in pursuance of such agreement shall be legal, valid and binding and shall not be open to question upon any ground whatsoever. 1927, c. 24, s. 19.

Nuisances.

19. The Commission shall not carry on or allow to be carried on in the Parks or upon any of the lands so acquired by them, any noisome or offensive trade or business whatever. 1927, c. 24, s. 20.

Collection
of revenues
and rentals.

20. Subject to any direction or order of the Lieutenant-Governor in Council, and to the provisions of this Act, the Commission may continue to collect the revenues and rentals payable or collectible under the several agreements made by and between the Commission acting on its own behalf and with the approval of the Government of Ontario and the Canadian Niagara Power Company, the Ontario Power Company of Niagara Falls and the Electrical Development Company of Ontario, Limited. 1927, c. 24, s. 21.

Application
of revenues
and rentals.

21. The revenues and rentals mentioned in the next preceding section and the revenue received from the other sources authorized by this Act shall be applied as follows:

1. To the payment half-yearly of the interest payable on the debentures issued by the Commission;
2. To provide for the retirement of the said debentures at maturity by a sinking fund or otherwise according to the terms of the debentures issued by the Commission hereunder;
3. To the necessary outgoing expenses of all works necessary to the preservation, improvement and maintenance of the parks, and to the payment of the salaries of the officers and others employed by the Commission, and other incidental expenses;

and all revenues and rentals which are not required for such purposes shall on or before the 1st day of July in each year be paid over by the Commission to the Treasurer of Ontario, and shall form part of the Consolidated Revenue Fund of Ontario. 1927, c. 24, s. 22.

Approval of
estimates.

22. Before any expenditure on capital account is made out of such revenues and rentals in respect of any works within the parks, or on premises under the control of the Commission, the estimates therefor shall be submitted to and approved of by the Lieutenant-Governor in Council. 1927, c. 24, s. 23.

23. The annual sums for the sinking fund shall be remitted by the Commission to the Treasurer of Ontario by half-yearly payments in such manner as the Lieutenant-Governor in Council may direct and interest to be calculated at the rate of four per centum per annum and compounded half-yearly shall be allowed from the 1st day of January, 1918, upon all sums so received prior to the said date and upon all sums which have been since the said date or may hereafter be so received. 1927, c. 24, s. 24.

Application
of sinking
fund.

PART II.

QUEEN VICTORIA PARK.

24.—(1) The land in the vicinity of Niagara Falls selected by the Commission and approved by the Lieutenant-Governor in Council, whereof the boundaries as surveyed upon the ground are shown by a red verge line marked upon a map, whereof copies duly certified and authenticated are filed and deposited in the office of the registrar of the county of Welland and in the Department of Lands and Forests, excepting thereout the strip of land lying between Range No. 6 as laid down in the plan of the city of the Falls, in the township of Stamford, on the north, and by Street's mill road and the land held by the Carmelite Monastery on the south, the easterly boundary whereof is at a distance of one hundred and thirty feet east of the centre line of the Canada Southern Railway, and the westerly boundary whereof is the westerly line of the Park as marked upon the map, shall constitute "The Queen Victoria Park," heretofore known as "The Queen Victoria Niagara Falls Park," and shall be vested in the corporation as trustees for Ontario.

Boundaries
of Park.

(2) Until the municipal corporation otherwise enacts by by-law, passed in compliance with section 483 of *The Municipal Act*, Murray street shall be a public entrance to the Park for visitors in carriages or on horses or on foot, and Robinson street shall be a public entrance to the Park for visitors on foot. 1927, c. 24, s. 25.

Entrances.
Rev. Stat.
c. 233.

25. The land lying along the bank of the Niagara river, and not included in the original survey of lots laid out in the townships of Stamford, Niagara, Bertie and Willoughby which have by order of the Lieutenant-Governor in Council been vested in the Commission to be held for the purposes of the Park, and commonly known as "The Chain Reservation," shall form part of the Park and be subject to the control of the Commission as other lands within the boundaries of the Park. 1927, c. 24, s. 26.

Lands along
river bank.

Foreshores
and part of
bed of
Niagara
River.

26. The Lieutenant-Governor in Council may also vest in the Commission to be held for the purposes of the Park and subject to any conditions which may be imposed by order-in-council, any portions of the foreshores or bed of the River Niagara or land covered with water in the River Niagara, which lie in front of the land vested in the Commission by sections 24 and 25, and which at the time of the order-in-council are the property of Ontario, and the foreshores, bed of the river and lands so vested shall thenceforth form part of the Park and be subject to the control of the Commission as other park lands. 1927, c. 24, s. 27.

Rights of St.
Catharines,
Thorold &
Niagara
Falls Road
Co. vested in
Commission.

27.—(1) The rights, title, possession and franchises which were held and exercised by the St. Catharines, Thorold and Niagara Falls Road Company, or by the persons having the title, interest and possessory rights thereof in respect of that portion of the St. Catharines, Thorold and Niagara Falls road, between the Table Rock and Niagara Falls Suspension Bridge on lot 92 of Stamford, are also vested in the Commission.

Tolls.

(2) All rights to take and collect tolls, as well as the public rights in the portion of the St. Catharines, Thorold and Niagara Falls road, within the limits of the Park, as shown upon the plan, are extinguished. 1927, c. 24, s. 28.

Power to
construct
street rail-
way.

28. The Commission shall have power to construct and operate a street railway over such road, and may build the same to any points or lands vested in the Commission, and tolls on any such railway may be charged as provided by sections 8 and 10. 1927, c. 24, s. 29.

Powers of ex-
propriation.

29. The Commission shall have power to expropriate, in accordance with section 6, the interest of any person in any land lying between the river and the road built on the Chain Reservation and vested in the Commission under the authority of this or any other Act. 1927, c. 24, s. 30.

Operating
cars across
the Clifton
Suspension
Bridge.

30.—(1) The Commission may empower the Clifton Suspension Bridge Company to operate their cars by any power, except steam, to and from their bridge across the Chain Reservation, subject to any order of the Board of Railway Commissioners of Canada in that behalf, and subject to the rights, if any, of the Niagara Falls Park and River Railway Company, and to the terms of any agreement made with such company.

Agreement
heretofore
made.

(2) Any agreement between the Commission and the Clifton Suspension Bridge Company heretofore made which, if made hereafter would be authorized by this section, is confirmed as if made after the passing of this Act. 1927, c. 24, s. 31.

31. Subject to the approval of the Lieutenant-Governor in Council, the Commission may, upon terms to be agreed on, grant to the Clifton Suspension Bridge Company, or any other duly incorporated bridge company, any rights over or in respect of lands held by the Commission which may be required for the purposes of building any new bridge over the Niagara River, or of confirming the present occupation of land by any bridge company now existing, but this shall not authorize the granting of any rights for the purpose in this section mentioned through the lands vested in the Commission by section 24. 1927, c. 24, s. 32.

Granting
rights over
lands to
bridge com-
panies.

Exception.

32. Subject to the approval of the Lieutenant-Governor in Council, the Commission may grant to the Clifton Suspension Bridge Company a strip of land from the Chain Reservation along the Niagara River and abutting the land in occupation of the company. 1927, c. 24, s. 33.

Grant of
strip to
Clifton
Suspension
Bridge
Company.

33. The Commission, with the approval of the Lieutenant-Governor in Council, may enter into an agreement or agreements with any person or corporation to take water from the Niagara river or from the Niagara and Welland rivers at certain points within or without the Park for the purpose of enabling such person or corporation to generate within or without the Park electricity, pneumatic, hydraulic or other power, conducting and discharging such water through and across the Park or otherwise, in such manner, for such rental, and upon such terms and conditions as may be embodied in the agreement, and as may appear to the Lieutenant-Governor in Council to be in the public interest, including provisions for the removal or demolition of any houses, buildings or structures, and the re-erection of the same, or the erection of other houses, buildings or structures instead thereof; but no such agreement shall be operative unless and until ratified and confirmed by resolution of the Assembly. 1927, c. 24, s. 34.

Agreements
with other
companies.

PART III.

BUTLER'S BURYING GROUND.

34.—(1) The Commission shall have power to acquire the land set apart as a burying ground wherein the remains of Colonel John Butler and other officers and men of the corps known as Butler's Rangers were interred, and described as,—

Power
to acquire
Butler's
Burying
Ground.

All that certain parcel or tract of land situate in the township of Niagara, in the county of Lincoln, containing two rods and thirty-six perches, more or less, and being part of a certain tract of land containing one hundred and fifteen

acres, more or less, granted by patent from the Crown, bearing date the 5th day of February, one thousand eight hundred and three, to one Andrew Butler, gentleman, and described as follows: Commencing in survey at the distance of eighty-six chains from what is called the mile tree, on the Garrison Line, on a course bearing north seventeen degrees west, and which said two rods and thirty-six perches are butted and bounded or may be otherwise known as follows, that is to say: commencing at a stone monument marked G.Y., at the southeast angle of the graveyard, thence north eight degrees forty minutes east two chains, thence north forty-nine degrees west along the bottom of the hill two chains, thence south seventy-one degrees west one chain seventeen links, thence south ten degrees west three chains fifty links, thence north seventy degrees east one chain sixty-one links to the place of beginning.

Idem.

(2) Where the boundaries of such land have become obliterated the Commission shall have power to acquire such parcels of land as they shall determine with the aid of an Ontario land surveyor to be identical, or as nearly as may be identical, with such burying ground.

And road-
ways.

(3) The Commission shall have power to acquire roadways not exceeding forty feet in width from any of the roads in the neighbourhood of the burying ground.

Title.

(4) Upon acquiring such land, or any part thereof, from any person now in possession of the same or of any part thereof, claiming title by prescription or by conveyance from a person claiming title by prescription, and showing such title to the satisfaction of the Commission, a valid title to such land shall be vested in the Commission.

Other
adjacent
lands.

(5) With the consent of the Lieutenant-Governor in Council, the Commission may acquire other adjacent land.

General
powers in
relation
thereto.

(6) The Commission in respect of such land and ways, shall have powers for the acquisition, management, control and improvement thereof similar to those conferred by Part II. 1927, c. 24, s. 35.

Rights of
interment
not affected.

35. Nothing in the next preceding section shall authorize the interference with any existing right to inter the body of any deceased person in such burying ground, nor shall anything herein confer the right to remove any body there interred, but, subject to the provisions of this section, the Commission shall have the right to enter upon, put in order, maintain and keep in repair such burying ground. 1927, c. 24, s. 36,

PART IV.

DRUMMOND HILL BURYING GROUND AND LUNDY'S LANE
BATTLEFIELD AND CEMETERY.

36. The interest of the Crown in the land set apart as a burying ground and battlefield, and sometimes known as Drummond Hill Burying Ground and Lundy's Lane Battlefield and Cemetery, is vested in the Commission; being all and singular those certain parcels or traets of land and premises, situate, lying and being in the city of Niagara Falls in the county of Welland, and being composed of lot number six on the south side of Lundy's Lane between Victoria street and Main street, and lot number "C" in the rear thereof, and part of lot number five on the east side of Victoria street or concession road between Lundy's Lane and Barker street, all being shown on plan number 653 registered for the city of Niagara Falls, and which may be more particularly described as follows:

Drummond
Hill Burying
Ground and
Lundy's
Lane Battle-
field and
Cemetery
vested in
Commission.

Commencing on the south side of Lundy's Lane at the northeasterly angle of lot number six, thence southerly along the easterly limit of lot six and lot "C" four hundred and forty feet ten and one-half inches more or less to the southeast angle of lot "C"; thence westerly along the southerly limits of lot "C" and lot five, four hundred and seventy-four feet six and one-half inches more or less to a point one hundred and sixty-seven feet, seven and one-half inches westerly from the southeast angle of lot number five; thence northerly and parallel with Victoria street two hundred and fifty-nine feet ten and one-half inches more or less to the southwest corner of the Presbyterian Church property; thence easterly along the southerly limit of the said Presbyterian Church property one hundred and sixty-seven feet seven and one-half inches more or less to the southeast angle of the said church property, being also the northeast angle of lot number five; thence northerly along the easterly boundary of the said church property one hundred and eighty-one feet more or less to Lundy's Lane; thence easterly along south side of Lundy's Lane three hundred and six feet eleven inches more or less to the place of beginning. 1927, c. 24, s. 37.

37. Nothing in the next preceding section shall authorize the interference with any existing right to inter the body of any deceased person in such burying ground, nor shall anything herein confer the right to remove any body there interred; but, subject to the provisions of this section, the Commission shall have the right to enter upon, put in order, maintain and keep in repair such burying ground. 1927, c. 24, s. 38.

Existing
rights as to
burial pre-
served.

PART V.

QUEENSTON HEIGHTS PARK.

Park
established.

38. The parcels of land following :

- (a) The ordnance land surrounding Brock's Monument at Queenston in the township of Niagara, in the county of Lincoln, containing by admeasurement thirty-one acres, be the same more or less as described in Letters Patent under the Great Seal of Canada, dated 5th May, 1896;
- (b) The parcel of land in the village of Queenston in the township of Niagara and county of Lincoln, containing by admeasurement 236/1,000 of an acre, be the same, more or less, which land was on 21st August, 1896, conveyed by deed to the Commissioners for the Queen Victoria Niagara Falls Park, registered in the office of the registrar for the county of Lincoln as number 3435 at 10 a.m. of the 28th August, 1896;
- (c) The parcel or tract of land, in the township and county aforesaid, being composed of part of lot number three in the broken front concession, and part of that portion of the Military Reserve purchased by Messrs. Gzowski and Company from the War Department, containing twelve acres and one-half, be the same more or less, adjacent to the above mentioned monument land on the south;
- (d) The parcel or tract of land in the township and county aforesaid, being composed of part of lot number four in such township containing ten acres more or less adjacent to the monument lands on the north, save and except thereout a strip of land sixty-six feet wide, for the right-of-way of the International Railway Company, the centre line of which right-of-way may be described as follows: Beginning at a point on the southerly side of York street at a distance westerly from the northwest corner of the land above described of five chains ten links more or less, thence on a curve of 200 feet radius to a point on the southerly limit of the lands described distant seven chains and seventy-five links more or less from the southwesterly corner thereof, which land has been approved by the Lieutenant-Governor, and marked upon the map of the Park and submitted to the Lieutenant-Governor and approved in council and copies

whereof duly certified and authenticated are filed and deposited in the office of the Minister of Lands and Forests, and in the office of the registrar for the county of Lincoln;

are set apart as a public park to be known as "The Queenston Heights Park," and the said land and the control and management thereof is vested in the Commission as trustees for Ontario, subject to the provisions of this Act. 1927, c. 24, s. 39.

Vested in Commission.

39. Subject to the consent of the Lieutenant-Governor in Council, the Commission may acquire and hold for the purposes hereinbefore mentioned, any ordnance or Admiralty land of Canada adjacent to the Niagara river or within three miles thereof which the Governor-General in Council may vest in them, by lease or otherwise, and the Commission shall thereby acquire the same right as any other lessee or licensee under like tenure to protect the said land against waste, spoil or destruction to, of or upon the said lands. 1927, c. 24, s. 40.

Power of Commission to hold certain other lands.

40. The Commission, with the approval of the Lieutenant-Governor in Council, may from time to time acquire such lands adjacent to or in the vicinity of the land hereinbefore mentioned in which any historic or public interest is deemed to attach, and shall hold the same in trust for Ontario subject to any trust declared in the deed or other instrument under which such lands are acquired and subject to the provisions of this Act. 1927, c. 24, s. 41.

Power to acquire certain other lands.
